

NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL ACT

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JULY 10, 2000.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
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Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

[To accompany H.R. 4442]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4442) to establish a commission to promote awareness of the National Wildlife Refuge System among the American public as the System celebrates its centennial anniversary in 2003, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 4442 is to establish a commission to promote awareness of the National Wildlife Refuge System among the American public as the System celebrates its centennial anniversary in 2003, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The National Wildlife Refuge System is comprised of federal lands that have been acquired or reserved for the conservation and enhancement of fish and wildlife. The first wildlife refuge was established by President Theodore Roosevelt by Executive Order at Pelican Island, Florida, in 1903 to protect egrets, herons, and other birds that were being overharvested to provide feathers for the fashion industry. Today, the System is comprised of 524 refuges, 38 wetland management districts, and 3,000 waterfowl production areas totaling about 93 million acres. These units range in size from the smallest of less than one acre at the Mille Lacs National Wildlife Refuge in Minnesota to the largest of 19.3 million acres in the Arctic National Wildlife Refuge in Alaska. System units are located in all 50 States and the nine U.S. insular areas. The System

provides habitat for hundreds of fish and wildlife species, including 258 species listed as threatened or endangered under the Endangered Species Act. The System offers priority public wildlife-dependent uses for 35 million visitors annually who participate in compatible hunting, fishing, trapping, wildlife observation and photography, and environmental education and interpretation. Currently, 290 refuges are open for hunting and 300 units are open to fishing, representing more than 90 percent of all the refuge acreage.

The U.S. Fish and Wildlife Service of the Department of the Interior has principal authority for carrying out laws and treaties regarding migratory birds, threatened and endangered species, fish and wildlife and their habitats, and certain marine mammals. The Fish and Wildlife Service (FWS) manages the Refuge System under its Refuges Division in accordance with three federal statutes: the Refuge Recreation Act of 1962, the National Wildlife Refuge System Administration Act of 1966, and the landmark National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57). Public Law 105-57 created for the first time an organic law for the National Wildlife Refuge System. Funding for refuge land acquisition comes from annual appropriations from the Land and Water Conservation Fund and the Migratory Bird Conservation Fund, which is supported by the purchase of duck stamps, import duties collected on arms and ammunition, and wildlife refuge entrance fees.

The FWS uses two systems to keep track of its operations, maintenance, and construction needs. The Maintenance Management System (MMS) is based on maintenance and construction backlog needs for existing facilities. The Refuge Operating Needs System (RONS) is based on needs identified in conservation management plans or in formally approved refuge goals for refuges which do not have conservation management plans. Based on these systems, FWS has developed a five-year deferred maintenance/construction plan which lists the projects of greatest need in priority order. The plan establishes priority deferred maintenance costs of \$68.3 million for fiscal year 2001, and a total of \$232.4 million over five years (fiscal years 2000 through 2004). These costs include annual maintenance, equipment replacement, and deferred maintenance costs.

Maintenance of refuge facilities has proven to be a continuing challenge for the FWS. As the System has expanded, FWS has not been able to keep pace with basic operations and maintenance needs. As of December 1999, the maintenance backlog contained 9,099 projects totaling \$779 million. The Subcommittee on Fisheries Conservation, Wildlife and Oceans held two hearings on the maintenance backlog at National Wildlife Refuges in 1996 and another on April 21, 1997. Since these hearings, the rate of increase of the maintenance backlog slowed from 21 percent in 1997 to 12 percent in 1999. The reduced rate of backlog growth can be attributed to increased Congressional oversight, larger annual appropriations, and better planning efforts designed to identify critical needs. However, the FWS has not completed the planning process for all of the refuges in the System. The National Wildlife Refuge System Improvement Act directed FWS to complete conservation plans for each unit within 15 years (by 2012). As these plans are

completed, maintenance, operations, and construction needs will certainly grow.

H.R. 4442 establishes a Commission to promote awareness of the System on the eve of the upcoming 100th Anniversary in 2003. The National Wildlife Refuge System Centennial Commission will consist of the Director of the Fish and Wildlife Service and 10 persons recommended by the Secretary of the Interior and appointed by the President. The Chairman and Ranking Member of each of the House of Representatives Committee on Resources and the Senate Environment and Public Works Committee will serve as ex officio members. The Secretary of the Interior, and the Congressional representatives of the Migratory Bird Conservation Commission shall also serve as ex officio members. The Commission is charged with developing a plan to commemorate the 100th Anniversary of the System and hosting a conference on the National Wildlife Refuge System in conjunction with federal, State, local, and nongovernmental partners.

H.R. 4442 also directs the Secretary of the Interior to prepare and submit to Congress a long-term plan to address priority operations, maintenance, and construction needs of the National Wildlife Refuge System. The plan should address the operation and staffing needs identified through RONS and individual refuge comprehensive conservation plans; the maintenance and construction needs identified in the MMS, the five-year deferred maintenance list and the five-year construction list; and the transition costs identified by the Department of the Interior for newly acquired refuge lands. The plan should also take into account properties on the Lands Acquisition Priority System, and make the necessary adjustments to ensure that future acquisitions do not jeopardize higher priority needs in other System units. Finally, the plan should suggest ways to improve public use programs and facilities to meet increasing public needs for wildlife-dependent recreation.

COMMITTEE ACTION

H.R. 4442 was introduced by Congressmen Jim Saxton (R-NJ) on May 11, 2000. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife, and Oceans. On June 15, 2000, the Subcommittee held a hearing on the bill. On June 20, 2000, the Subcommittee met to mark up the bill. The bill was ordered favorably reported to the Full Committee without amendment by voice vote. On June 28, 2000, the Full Resources Committee met to consider the bill. The bill was ordered favorably reported to the House of Representatives by unanimous consent, without amendment.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

FEDERAL ADVISORY COMMITTEE STATEMENT

The functions of the proposed advisory committee authorized in the bill are not currently being nor could they be performed by one

or more agencies, an advisory committee already in existence or by enlarging the mandate of an existing advisory committee.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of this bill would result in new government receipts and resulting direct spending, but these would be “insignificant and largely offsetting.”

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 6, 2000.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR M. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4442, the National Wildlife Refuge System Centennial Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 4442—National Wildlife Refuge System Centennial Act

H.R. 4442 would establish the National Wildlife Refuge System Centennial Commission to prepare a plan to commemorate the

100th anniversary of the National Wildlife Refuge System in 2003. The commission also would host a conference on the system and assist with conference activities. This commission's members would include the director of the U.S. Fish and Wildlife Service (USFWS), specified Members of Congress, and up to 10 others. They would receive travel expenses but no compensation for serving on the commission. The commission would be allowed to accept and use donations of money, property, or service. In addition, section 4 of the bill would require the Secretary of the Interior to prepare a long-term plan for priority operations, maintenance, and construction needs of the refuge system.

Assuming appropriation of the necessary amounts, and based on information provided by the USFWS, CBO estimates that implementing H.R. 4442 would cost about \$0.9 million over the next four years. Most of this amount would be spent on activities of the National Wildlife Refuge System Centennial Commission. Costs to prepare the study of priority needs required by section 4 are not expected to be significant.

Because H.R. 4442 would authorize the new commission to accept and spend donations, pay-as-you-go procedures would apply. CBO estimates, however, that any new governmental receipts and resulting direct spending would be insignificant and largely offsetting. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Robert A. Sunshine, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

This bill is not intended to preempt any State, local, or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

